

Public Notice – Air Quality Plan Revision

Notice of action: The Department of Environmental Quality (DEQ) is announcing an opportunity for public comment on a proposed revision to the Commonwealth of Virginia State Implementation Plan (SIP). The SIP is a plan developed by the Commonwealth in order to fulfill its responsibilities under the federal Clean Air Act to attain and maintain the ambient air quality standards promulgated by the U.S. Environmental Protection Agency (EPA) under the Act. If adopted, the Commonwealth intends to submit the regulation or a portion thereof to the EPA as a revision to the SIP in accordance with the requirements of § 110(a) of the federal Clean Air Act.

Regulations affected: The regulations of the board affected by this action are Maintenance Areas (9 VAC 5-20-203) and Nonattainment Areas (9 VAC 5-20-204), Revision I07.

Purpose of notice: DEQ is seeking comment on the issue of whether the regulation amendments should be submitted as a revision to the SIP.

Public comment period: May 1 to June 2, 2008.

Public hearing: A public hearing may be conducted if a request is made in writing to the contact listed below. In order to be considered, the request must include the full name, address and telephone number of the person requesting the hearing and be received by DEQ by 5:00 p.m. on the last day of the comment period. Notice of the date, time, and location of any requested public hearing will be announced in a separate notice, and another 30-day comment period will be conducted.

Public comment stage: The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 c of the Administrative Process Act because they are necessary to meet the requirements of the federal Clean Air Act and do not differ materially from the pertinent EPA regulations. Since the amendments are exempt from administrative procedures for the adoption of regulations, DEQ is accepting comment only on the issue cited above under "purpose of notice" and not on the content of the regulation amendments.

Description of proposal: In essence, the proposed revision will consist of amendments to existing regulation provisions concerning the redesignation of ozone nonattainment areas to maintenance areas. The major provisions of the proposal are summarized as follows: (i) the Hampton Roads 8-hour Ozone Nonattainment Area (counties of Gloucester, Isle of Wight, James City, and York; cities of Chesapeake, Hampton, Newport News, Portsmouth, Poquoson, Norfolk, Suffolk, Virginia Beach, and Williamsburg) has been replaced by the Hampton Roads 8-hour Ozone Maintenance Area; and (ii) the Richmond 8-hour Ozone Nonattainment Area (counties of Charles City, Chesterfield, Hanover, Henrico, and Prince George; cities of Colonial Heights,

Hopewell, Petersburg, and Richmond) has been replaced by the Richmond 8-hour Ozone Maintenance Area.

Federal information: This notice is being given to satisfy the public participation requirements of federal regulations (40 CFR 51.102) and not any provision of state law. It is planned to submit all provisions of the proposal as a revision to the Commonwealth of Virginia SIP.

How to comment: DEQ accepts written comments by e-mail, facsimile transmission and postal mail. In order to be considered, comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5:00 p.m. on the last day of the comment period. Due to problems with the quality of facsimile transmissions, commenters are encouraged to provide the signed original by postal mail within one week. All testimony, exhibits and documents received are part of the public record.

To review regulation documents: The proposal and any supporting documents are available on the DEQ Air Public Notices for Plans web site (<http://www.deq.state.va.us/air/permitting/planotes.html>). The documents may also be obtained by contacting the DEQ contact named below. The public may review the documents between 8:30 a.m. and 5:00 p.m. of each business day until the close of the public comment period at the following locations: 1) DEQ Main Street Office, 8th Floor, 629 E. Main Street, Richmond, Virginia, 804-698-4070, 2) DEQ Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia, 804-527-5020, and 3) DEQ Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia, 757-518-2000.

Contact for public comments, document requests and additional information:

Karen G. Sabasteanski, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia 23218 (phone: 804-698-4426, fax: 804-698-4510, email: kgsabastea@deq.virginia.gov).

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